

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL CAMPBELL,

Plaintiff,

v.

JOSEPH JULIAN, et al.,

Defendants.

:  
: CIVIL ACTION NO. 3:23-CV-1225  
: (JUDGE MARIANI)  
: (Magistrate Judge Carlson)  
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ORDER

AND NOW, THIS 21<sup>st</sup> DAY OF FEBRUARY 2024, upon review of Magistrate Judge Martin C. Carlson's Report and Recommendation ("R&R") (Doc. 17), for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

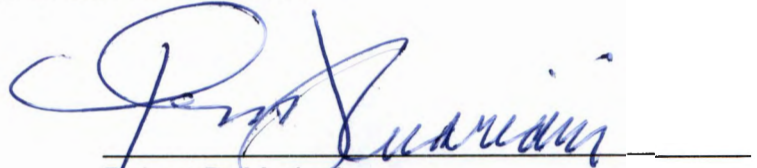
1. The R&R (Doc. 17) is **ADOPTED** for the reasons set forth therein.
2. Plaintiff's action is **DISMISSED** pursuant to Local Rules 7.6 and 83.18 of the Middle District of Pennsylvania Rules of Court, and Fed. R. Civ. P. 41(b) for failure to comply with the Court's Orders and for failure to prosecute this action.<sup>1</sup>
3. Defendant's Motion to Dismiss (Doc. 10) is **GRANTED**.

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<sup>1</sup> Magistrate Judge Carlson's reasoning and conclusion that Plaintiff has failed to prosecute this action is further supported by Plaintiff's failure to file objections to the R&R.

The Court also agrees with the R&R's findings that application of the factors set forth in *Poulis v. State Farm Fire and Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), supports the dismissal of this action. (See Doc. 17 at 8-15.)

4. Plaintiff's state law claims and related Eighth and Fourteenth Amendment claims are **DISMISSED WITH PREJUDICE.**
5. Plaintiff's Fourth Amendment claim is **DISMISSED WITHOUT PREJUDICE.**
6. The Clerk of Court is directed to **CLOSE** this case.



Robert D. Mariani  
United States District Judge